

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF MICHIGAN

Case number (if known)

Chapter

12☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Krieger's Wholesale Nursery Inc.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

Berry Plants
Barry Plants
Small Fruit Plants

3. Debtor's federal Employer Identification Number (EIN) 38-1775915

4. Debtor's address

Principal place of business

9555 N. Gast Road
Bridgman, MI 49106

Number, Street, City, State & ZIP Code

Berrien
County

Mailing address, if different from principal place of business

PO Box 116
Bridgman, MI 49106

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) https://kriegersnursery.com/

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor **Krieger's Wholesale Nursery Inc.**
Name

Case number (if known)

7. Describe debtor's business A. *Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. *Check all that apply*

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?*Check one:*

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11. *Check all that apply:*

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☒ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	Mark Allen Krieger & Jame Sue Secondino Krieger		Relationship	Directors
District	Western District of Michigan	When	5/15/19	Case number, if known 19-02148-swd

Debtor **Krieger's Wholesale Nursery Inc.**
Name

Case number (if known)

11. Why is the case filed in this district?*Check all that apply:*

- ☐ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☐ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (*Check all that apply.*)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes.

Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **Krieger's Wholesale Nursery Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **November 13, 2019**
MM / DD / YYYY**X /s/ Mark Allen Krieger**
Signature of authorized representative of debtor

Title **Director****Mark Allen Krieger**
Printed name**18. Signature of attorney****X /s/ A. Todd Almassian**
Signature of attorney for debtorDate **November 13, 2019**
MM / DD / YYYY**A. Todd Almassian P55467**
Printed name**Keller & Almassian, PLC**
Firm name**230 East Fulton**
Grand Rapids, MI 49503
Number, Street, City, State & ZIP CodeContact phone **616-364-2100**Email address **ecf@kalawgr.com****P55467 MI**
Bar number and State

**United States Bankruptcy Court
Western District of Michigan**

In re **Krieger's Wholesale Nursery Inc.**

Debtor(s)

Case No.

Chapter

12

VERIFICATION OF CREDITOR MATRIX

I, the Director of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **November 13, 2019**

/s/ Mark Allen Krieger

Mark Allen Krieger/Director

Signer/Title

Date: **November 13, 2019**

/s/ A. Todd Almassian

Signature of Attorney

A. Todd Almassian P55467

Keller & Almassian, PLC

230 East Fulton

Grand Rapids, MI 49503

616-364-2100 Fax: 616-364-2200

2ND CIRCUIT COURT
CASE NO. 2018-0090-PS
811 PORT STREET
SAINT JOSEPH MI 49085

2ND CIRCUIT COURT
CASE NO. 2019-0084 CK
811 PORT STREET
SAINT JOSEPH MI 49085

AMERICAN EXPRESS
PO BOX 981537
EL PASO TX 79998

AUTO-OWNERS INSURANCE COMPANY
PO BOX 320
SWEETSER IN 46987-0320

BMO HARRIS BANK NA
C/O JASON R. BURKE ESQ.
BLACKWELL BURKE & RAMSEY PC
101 W. OHIO STREET, STE. 1700
INDIANAPOLIS IN 46204

BMO HARRIS BANK NA
C/O EDWARD W. PATTISON
135 N. PENNSYLVANIA STREET
SUITE 900
INDIANAPOLIS IN 46268

BMO HARRIS BANK NA
C/O DANIEL R. KUBIAK, ESQ.
900 MONROE AVE NW
GRAND RAPIDS MI 49503

BMO HARRIS BANK NA
3901 WEST 86TH STREET
SUITE 125
INDIANAPOLIS IN 46268

BRUCE D. LEMOINE, ESQ.
ARMSTRONG TEASDALE LLP
7700 FORSYTH BLVD, SUITE 1800
SAINT LOUIS MO 63105

CMS PREMIUM RECOVERY SERVICES
10192 GRAND RIVER ROAD
SUITE 111
BRIGHTON MI 48116

COLLEEN M. CULLITAN ESQ.
1014 MAIN STREET
PO BOX 318
SAINT JOSEPH MI 49085

DAVID R. KREBS, ESQ.
HESTER BAKER KREBS LLC
ONE INDIANA SQUARE, SUITE 1600
211 N. PENNSYLVANIA STREET
INDIANAPOLIS IN 46204

DEAN E. RIETBERG, ESQ.
OFFICE OF THE U.S. TRUSTEE
THE LEDYARD BUILDING, 2ND FL
125 OTTAWA NW, SUITE 200R
GRAND RAPIDS MI 49503

DEERE & COMPANY
6400 NW 86TH STREET
JOHNSTON IA 50131

EDGAR COUNTY CIRCUIT COURT
115 W. COURT STREET
ROOM M
PARIS IL 61944

INTERNAL REVENUE SERVICE
PO BOX 7346
CENTRALIZED INSOLVENCY
PHILADELPHIA PA 19101-7346

JAME SUE SECONDINO KRIEGER
8630 LIVINGSTON HILLS ROAD
BRIDGMAN MI 49106

JOHN DEERE FINANCIAL
PO BOX 6600
JOHNSTON IA 50131

JOHN DEERE FINANCIAL
23176 NETWORK PLACE
CHICAGO IL 60673

JOSEPH M. AMMAR, ESQ.
MILLER, CANFIELD, PADDOCK AND
STONE, PLC
277 SOUTH ROSE ST., SUITE 5000
KALAMAZOO MI 49007

JP MORGAN CHASE BANK
383 MADISON AVENUE
NEW YORK NY 10179

JPMORGAN CHASE BANK
BENTON HARBOR BUSINESS BANKING
400 RIVERVIEW
BENTON HARBOR MI 49022

JPMORGAN CHASE BANK
MAIL CODE KY1-0900
416 WEST JEFFERSON, FL 1
LOUISVILLE KY 40202

JPMORGAN CHASE BANK
PO BOX 24696
COLUMBUS OH 43224

KEELER-GLASGOW COMPANY INC.
80444 CR 687
HARTFORD MI 49057

KUBOTA CREDIT CORPORATION USA
PO BOX 2046
GRAPEVINE TX 76099

LARRY AND MARILYN KRIEGER FLP
PO BOX 116
BRIDGMAN MI 49106

MARILYN JANE KRIEGER
11426 GAST ROAD
BRIDGMAN MI 49106

MARK ALLEN KRIEGER
8630 LIVINGSTON HILLS ROAD
BRIDGMAN MI 49106

MICHAEL V. MAGGIO
OFFICE OF THE US TRUSTEE
THE LEDYARD BUILDING, 2ND FL
125 OTTAWA NW, SUITE 200R
GRAND RAPIDS MI 49503

PERRY G. PASTULA, ESQ.
DUNN SCHOUTEN & SNOAP PC
2745 DE HOOP AVE SW
WYOMING MI 49509

PETER KRIEGER
PO BOX 145
UNIVERSAL IN 47884

RICHARD S. BARON ESQ.
NICHOLAS J. TATRO, ESQ.
FOLEY BARON METZGER & JUIP
38777 SIX MILE RD, SUITE 300
LIVONIA MI 48152

STATE OF MICHIGAN
DEPT. OF TREASURY
PO BOX 30754
LANSING MI 48909

THOMAS F. WAGGONER, ESQ.
SRAUB, SEAMAN & ALLEN, PC
1014 MAIN STREET
SAINT JOSEPH MI 49085

TSYS MERCHANTS SOLUTIONS, LLC
C/O THE CORPORATION CO.
40600 ANN ARBOR ROAD E
SUITE 201
PLYMOUTH MI 48170

UNIVERSAL RESOURCE MGMT INC.
PO BOX 182
UNIVERSAL IN 47884

VERMILLION CIRCUIT COURT
CAUSE NO. 83C01-1708-MF-020
7 N. VERMILLION STREET
DANVILLE IL 61832

VISA U.S.A, INC.
C/O CSC- LAWYERS INCORPORATING
SERVICE (COMPANY)
601 ABBOT ROAD
EAST LANSING MI 48823

**United States Bankruptcy Court
Western District of Michigan**

In re **Krieger's Wholesale Nursery Inc.**

Debtor(s)

Case No.

Chapter

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CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Krieger's Wholesale Nursery Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

November 13, 2019

Date

/s/ A. Todd Almassian

A. Todd Almassian P55467

Signature of Attorney or Litigant

Counsel for **Krieger's Wholesale Nursery Inc.**

Keller & Almassian, PLC

230 East Fulton

Grand Rapids, MI 49503

616-364-2100 Fax: 616-364-2200

ecf@kalawgr.com